

RE: SEAA #1117

Torrey Irrigation Company
P.O. Box 9
Torrey, Utah 84775

April 11, 2006

Lee Sim
Division of Water Rights
1594 West North Temple,
Suite 220
P.O. Box 146300
Salt Lake City, Utah 84114-6300

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WATER RIGHTS
SALT LAKE

Dear Mr. Sim:

We received your notice requiring a lockable headgate on the Torrey Canal at the Peden Cut. We request an extension for a reasonable amount of time so that we can properly complete the project.

The water was put in the canal on April 2. Your notice arrived April 7 and gave us a deadline of May 6, 2006. It is extremely short notice and as a practical matter, it is impossible for us to design and install such a device in that small amount of time. Even more importantly, we cannot turn the water out of the canal at this time of year. Not only would it adversely impact our stockholders, other water users divert their water from the canal and would not be able to irrigate.

Additional time is necessary for us to hire an engineer to adequately design such a system. We must also determine the cost and obtain the funds. We therefore, request an extension for a reasonable amount of time. Prior to the next irrigation season would be preferable. It is presently possible to measure the water and we guarantee that it will not be necessary to lock the headgate.

An extremely critical factor is the danger of cloudbursts and flash floods. The river rises, and in addition, water and mud pour into the canal from the Moenkopi cliffs that border the canal for several miles. If the device was locked, the expensive houses near the canal would be flooded. Even worse, the southern part of Torrey itself would be flooded. Many houses and businesses are built very close to the canal and would be ruined. Each summer during the monsoon season when cloudbursts are common, the Torrey Canal water master has to very quickly go to the Peden Cut and turn the water into the river. If the gate was locked, there would not be enough time to call and wait for the River Commissioner to come to unlock the gate. Even assuming we are able to reach her and she is in Bicknell, much damage would be done before she could drive to Torrey. Torrey Irrigation Company does have insurance, but it would not

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be enough to cover the millions of dollars in damage. Such an event would bankrupt Torrey Irrigation Company.

Several issues are present with the existence of a lockable gate. Previous river commissioners have been aware of those issues and have waived the requirement of the lockable device.

Frequently, willows and debris caused by beavers back up the canal and we have to be careful to sluice the diversion in sufficient time to prevent the canal from flooding or breaching. Damage is done if there is flooding, and a canal breach is a great expense.

In light of these unusual circumstances, we respectfully ask that you reconsider the demand for a lockable device. At the very least, we ask for an extension of time until April 1, 2007. It is our intention to comply with the law and to cooperate with your office and the River Commissioner. We do, however think that our requests are reasonable and that you give them serious consideration. Thank you very much.

Very truly yours,



Phil Pace
President
Torrey Irrigation Company

cc: Kirk Forbush, Regional Engineer
Rebecca Taft, Water Commissioner

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To: Lee Sim and Mike Silva
801-538-7467

From: Torrey Irrigation Co.
Phil Pace
Cathy Bagley
fax 435-425-3593

(original letter mailed)

any problems with the
fax, please call 435-425-3200

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